

## **CHAPTER FIVE**

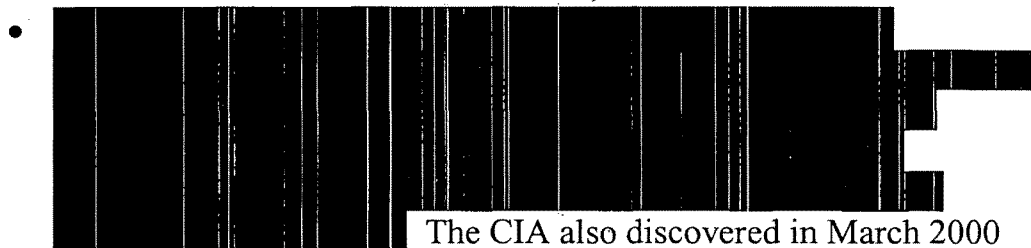
### **TWO SEPTEMBER 11 HIJACKERS: KHALID AL-MIHDHAR AND NAWAF AL-HAZMI**

#### **I. Introduction**

In this chapter, we examine the FBI's handling of intelligence information concerning two of the September 11 hijackers, Khalid al-Mihdhar and Nawaf al-Hazmi. Mihdhar, Hazmi, and three other terrorists hijacked and crashed American Airlines Flight 77 into the Pentagon.

The FBI has asserted that it learned in late August 2001 that Mihdhar and Hazmi were al Qaeda operatives and that they had traveled to the United States in January 2000. In August 2001, the FBI also discovered that Mihdhar had entered the United States on July 4, 2001, purportedly for a month-long stay. In late August, the FBI initiated an investigation to determine whether Mihdhar was still in the country and to find him. The FBI was still searching for him at the time of the September 11 attacks.

We examined the information that the Intelligence Community and the FBI had about Mihdhar and Hazmi prior to September 11. We found no evidence indicating the FBI or any other member of the Intelligence Community had specific intelligence regarding the September 11 plot. However, beginning in late 1999 and continuing through September 11, 2001, we found five junctures at which the FBI either learned of intelligence information about Mihdhar and Hazmi, could have learned of additional intelligence information about them, or could have developed additional information about their location and terrorist connections. These five junctures were:



The CIA also discovered in March 2000 that Hazmi had traveled to Los Angeles in January 2000.

- In late January 2000, Mihdhar and Hazmi both traveled to Los Angeles and then moved to San Diego, where they associated with a former subject of an FBI investigation and also lived with a long-time FBI asset.<sup>151</sup>

■ In late December 2000 and early January 2001, a reliable joint FBI/CIA source provided information related to the FBI's ongoing investigation of the attack on the *U.S.S. Cole*.<sup>152</sup> ■

- In the summer of 2001, the CIA and the FBI had various interactions regarding the FBI's investigation of the Cole attack. These interactions touched on the participants in the January 2000 Malaysia meetings and information developed by the CIA about the Malaysia meetings.
- In August 2001, the FBI learned that Mihdhar had entered the United States on July 4 and began searching for him in early September 2001. ■

■ The FBI did not locate him before the September 11 attacks.

Yet, despite these ongoing discussions and opportunities for the FBI to learn about and focus on Mihdhar and Hazmi, including their presence in the United States, the FBI was not made aware of and did not connect important details about them until late August 2001, a short time before they participated in the terrorist attacks. Even in August, the FBI's search for Mihdhar and Hazmi was not given any urgency or priority, and was not close to locating them by the time of the attacks.

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<sup>151</sup> Hazmi had also traveled to and attended the January 2000 meetings in Kuala Lumpur, Malaysia.

<sup>152</sup> As noted previously, on October 12, 2000, two terrorist operatives in an explosive-laden boat committed a suicide attack on the *U.S.S. Cole* naval destroyer during a brief refueling stop at the port in Aden, Yemen. Seventeen sailors were killed and 39 were wounded in the attack.

In this chapter, we describe each of these five opportunities in detail. We set forth the available intelligence information regarding Hazmi and Mihdhar that existed at the time, whether the information was made available to the FBI, and what additional information about Hazmi and Mihdhar the FBI could have developed. In the analysis section of this chapter, we evaluate the problems that impeded the FBI's handling of the intelligence information about Hazmi and Mihdhar before September 11.

## **II. Background**

### **A. OIG investigation**

To investigate the issues involving Hazmi and Mihdhar, the OIG asked for and reviewed all documents the FBI had regarding them before September 11. The FBI search for these documents included searches of its Automated Case Support system (ACS), Integrated Intelligence Information Application (IIIA) system,<sup>153</sup> and CTLink.<sup>154</sup> In addition, searches were conducted on archived FBI e-mail messages and the FBI Director's briefing documents. These searches were initially conducted in response to a request by the Congressional Joint Intelligence Committee's Inquiry Staff, which was conducting its own inquiry into this subject. The OIG also obtained direct access to ACS so that we could conduct our own searches for relevant documents. In addition, we reviewed hard copy case and informant files to search for documents relevant to Mihdhar and Hazmi.

In addition to reviewing these documents, we conducted more than 70 interviews related to the Mihdhar and Hazmi matter. These included interviews of FBI IOSs, special agents, attorneys, and supervisors who had access to some of the relevant information or participated in meetings or

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<sup>153</sup> IIIA is a database designed to capture comprehensive amounts of information from counterintelligence, international, and domestic terrorism investigations. The system includes information ranging from biographical data on persons to profiles of terrorist groups. The FBI describes the system as "conducive to putting together information regardless of office of origin or case."

<sup>154</sup> CTLink is a shared database used for the dissemination of intelligence information among agencies within the Intelligence Community.

operations related to these hijackers. We also interviewed FBI employees detailed to the CIA and FBI agents who participated in debriefings of intelligence sources who had relevant information.

Because much of the information discussed in this chapter of the report involves the FBI's interactions with the CIA, we also obtained information directly from the CIA. The DOJ OIG does not have oversight authority over CIA operations or personnel, and we therefore did not make assessments of the performance of CIA personnel. That issue is the responsibility of the CIA OIG, which is conducting its own inquiry in response to the JICI report. We had to rely on the cooperation of the CIA in providing access to CIA witnesses and documents that were relevant to the OIG's oversight of the FBI.

We interviewed CIA staff operations officers, analysts, and supervisors, as well as CIA employees detailed to the FBI, including a CIA employee detailed to the FBI's New York Field Office's Joint Terrorism Task Force. (S)

Initially, the CIA made available to the OIG for review various documents that the CIA's "Director of Central Intelligence (DCI) Review Group"<sup>155</sup> had identified as being related to our inquiry. The Review Group had gathered these and other documents during its review of the September 11 attacks and during additional searches conducted at the request of the JICI staff. We did not have independent access to CIA databases, and therefore we could not independently verify that all relevant documents had been provided to us. However, we had several lengthy sessions with members of the Review Group at which they identified the documents they used to support their conclusions regarding Hazmi and Mihdhar. The CIA permitted us to review but not have a copy of these documents.

In addition, a member of the CIA General Counsel's staff conducted additional searches for documents relevant to particular disputed issues. As a result of that review, copies of additional relevant documents were also made available for our review.

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<sup>155</sup> The CIA formed the DCI Review Group in late 2001 to assist the CIA in determining why it had not detected the September 11 plot. The group included former CIA case officers and CIA OIG personnel.

In response to the JICI report issued in December 2002, the CIA OIG initiated a review in February 2003 of the CIA actions related to the September 11 attacks. In July 2003 the CIA OIG review team informed us it had several more documents that were relevant to our review. These documents were made available to us to review, and redacted copies of the documents were provided to us in November 2003. The CIA OIG review team also provided additional relevant documents and information to us that it found during the course of its review.

In February 2004, however, while we were reviewing a list of CIA documents that had been accessed by FBI employees assigned to the CIA, we noticed the title of a document that appeared to be relevant to this review and had not been previously disclosed to us. The CIA OIG had not previously obtained this document in connection with its review. We obtained this document, known as a Central Intelligence Report (CIR). This CIR was a draft document addressed to the FBI containing information about Mihdhar's travel and possession of a U.S. visa. As a result of the discovery of this new document, a critical document that we later determined had not been sent to the FBI before the September 11 attacks (see Section III, A, 4 below), we had to re-interview several FBI and CIA employees and obtain additional documents from the CIA. The belated discovery of this CIA document delayed the completion of our review.

## **B. Background on the CIA**

In this section of the chapter, we describe background information relevant to the interactions between the CIA and the FBI and the ways in which they exchanged intelligence. We begin with a discussion of the CIA's authority and mission, organization, forms of communications, and ways in which the CIA passed intelligence to the FBI. We also discuss the role of the FBI's employees who were "detailed" to work at the CIA.

### **1. CIA authority and mission**

As discussed in Chapter Two, the National Security Act of 1947 created the CIA and established it as the nation's lead foreign intelligence agency of the United States. The CIA engages primarily in the clandestine collection of "foreign intelligence" information – information relating to the capabilities, intentions, and activities of foreign governments or organizations, including

information about their international terrorist activities. The CIA is charged with evaluating and disseminating the intelligence information it collects.

The CIA reports directly to the President through the Director of Central Intelligence (DCI), who is the head of both the CIA and the Intelligence Community. The DCI is the primary advisor to the President and the National Security Council on national foreign intelligence matters. George Tenet was named to that position in 1997.

## **2. Organization of the CIA**

The work of the CIA is conducted primarily through three “directorates”: the Directorate of Operations, the Directorate of Intelligence, and the Directorate of Science and Technology. Each is led by a Deputy Director. Below we briefly describe the relevant structure and positions within each directorate.

### **a. Directorate of Operations**

The Directorate of Operations is responsible for the clandestine collection of foreign intelligence. This takes place in field offices known as “stations.”<sup>156</sup> Smaller cities may have “bases,” which are sub-offices of the stations. “Operations officers,” also known as “case officers,” are responsible for collecting intelligence through contacts with human sources and through the use of technology. Collection management officers, also known as “reports officers,” are responsible for taking raw intelligence reported by the operations officers and removing from it the information that reveals the source, method of collection, or other sensitive information. The reports officers publish intelligence information in a form that can be made available to the Intelligence Community.

The head of a station or base is usually an operations officer and is known as a Chief of Station (COS) or Chief of Base (COB). Stations and bases

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<sup>156</sup> The CIA also has field offices within the United States that are part of the National Resources Division within the Directorate of Operations. They are responsible for the overt collection of foreign intelligence volunteered by individuals and organizations in the country.



are usually grouped by geographic division and report to the chief of the geographic division at CIA Headquarters. Within the geographic division at CIA Headquarters are “staff operations officers,” or “desk officers,” who provide operational research, advice, and other forms of case management support to the officers in the field.

The CIA’s Counterterrorist Center (CTC), which is based in the Directorate of Operations but which draws on all CIA resources, is charged with preempting and disrupting international terrorism. The CTC is staffed by managers, analysts, operations officers, desk officers, and reports officers. The CTC collects and analyzes strategic intelligence on terrorist groups and state sponsors of terrorism to ascertain the capabilities, sources of support, and likely targets of terrorist elements, and to furnish detailed information on terrorist-related intelligence to the Intelligence Community.

At the time of the events relevant to our review, the CTC operated a unit – that we call the “Bin Laden Unit” – that dealt exclusively with issues related to al Qaeda and Usama Bin Laden. The Bin Laden Unit was later merged into a larger group in the CTC. Although staffing levels fluctuated, approximately 40-50 people worked within the Bin Laden Unit before September 11, 2001. The Bin Laden Unit was known as a “virtual station” because it operated from within CIA Headquarters but collected and operated against a subject, much as stations in the field focus on a country.

#### **b. Directorate of Intelligence**

The Directorate of Intelligence, the analytical branch of the CIA, is responsible for the production and dissemination of timely, accurate, and objective intelligence analysis on foreign policy issues. It focuses analysis on key foreign countries, regional conflicts, and issues such as terrorism and narcotics trafficking.

The Directorate of Intelligence is primarily composed of analysts who concentrate on particular areas of expertise. For example, intelligence analysts are assigned a particular geographic region to monitor the leadership, motivations, plans, and intentions of foreign governments in relation to U.S. national security interests. Additionally, counterterrorism analysts stationed in the CTC produce a range of long-term intelligence products about terrorist organizations and provide tactical analytic support to intelligence operations.

### **c. Directorate of Science and Technology**

The Directorate of Science and Technology is responsible for creating and applying technology in support of the intelligence collection mission. It employs a broad range of professionals, including computer programmers, engineers, scientists, and linguists.

### **3. The CIA's collection and internal dissemination of information**

Official internal communications between entities within the CIA are normally conducted by an electronic communication known as a "cable." Cables are addressed to the stations, offices, or units within an office from which some action is expected. Information acceptable for sharing with a foreign government service is put into a section of a cable called a "tear line."

### **4. Passing of intelligence information by the CIA to the FBI**

The CIA shares intelligence with the rest of the Intelligence Community through a communication known as a "TD" ("Telegraphic Dissemination"). TDs can be sent to other Intelligence Community agencies, including the FBI, and are available to the Intelligence Community through the Intelink system.

Another type of intelligence report used by the CIA when conducting business with other agencies is a CIR, or "Central Intelligence Report." CIRs are used for disseminating information to a specific agency or group of agencies. CIRs to the FBI normally concern something occurring in the United States, involving a U.S. person or an ongoing FBI investigation.

In addition to formal methods of communicating by the CIA to the FBI, much information can be shared with the FBI informally. CIA and FBI employees who have similar positions and expertise develop relationships and communicate informally while working together on related matters, either by secure telephones or in person. In addition, meetings are sometimes held to discuss a matter or a piece of intelligence that is of value to both agencies. According to the CIA employees we interviewed, when the CIA passed intelligence information or other kinds of information verbally or by another informal mechanism to the FBI, the information exchange normally would be documented through a TD or a CIR. However, they said that not every telephone call or conversation was documented.



### **C. FBI detailees to the CIA Counterterrorist Center**

In 1996, the FBI began detailing employees to work in the CIA's CTC. During the time period relevant to this chapter of the report, five FBI employees were detailed to the CTC's Usama Bin Laden Unit in four separate positions. Two of the positions were filled by personnel from the FBI's Washington Field Office, and one position each was filled from the FBI's New York Field Office and FBI Headquarters.<sup>157</sup>

#### **1. FBI Headquarters detailees**

One of the FBI detailees assigned to Bin Laden Unit, who we call "Eric," held a supervisory position as a deputy chief of the Bin Laden Unit.<sup>158</sup> Eric, an FBI Headquarters supervisor in the Radical Fundamentalist Unit, was detailed to the CTC as a branch chief for a particular terrorist group in September 1997. In March 1999, FBI Headquarters transferred him from that part of the CTC to the deputy chief position in the Bin Laden Unit. According to Eric, he was told by FBI Assistant Director Neil Gallagher that there were a lot of problems between the FBI's New York Field Office and the Bin Laden Unit and that he needed to mend the relationship.<sup>159</sup> Eric stated that although he acted as a liaison between the CIA and the FBI, his primary job was to perform substantive work related to the Bin Laden Unit's mission.

Eric left the Bin Laden Unit in January 2000 and was replaced in July 2000 by an FBI employee who we call "Craig."<sup>160</sup> By this time, the Bin Laden Unit had been placed into a newly formed group, which was a much larger

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<sup>157</sup> Other FBI employees were also detailed to the CIA during this time. However, the FBI detailees to the CTC's Bin Laden Unit were the only ones relevant to the issues in this review.

<sup>158</sup> A CIA employee was the other deputy chief in the Bin Laden Unit. Both the FBI detailee and the CIA employee reported to the chief of the Bin Laden Unit, a CIA employee.

<sup>159</sup> Eric told the OIG that when he arrived at Bin Laden Unit, he "walked into a buzz saw" and there was a great deal of animus from CIA employees toward the FBI detailees. Eric said this experience was vastly different from his tenure in another CTC section, where he was readily accepted and integrated into the CIA's operations.

<sup>160</sup> No one filled the deputy chief position between January 2000 and July 2000.

organization than the Bin Laden Unit. Craig was designated as a deputy chief in the new, larger group. He described his primary job as being a “referent” for law enforcement issues. He explained this role as involving coordination between the FBI and CIA when they wanted to conduct joint interviews or when the CIA requested assistance with a law enforcement matter.

Eric and Craig had access via computers on their desks to the CIA’s internal cables. Eric said that while he was at the CIA, he attempted to read all incoming Bin Laden Unit cables. However, he said that the amount of cable traffic was overwhelming and was too much for one individual to read consistently. In contrast, Craig told the OIG that he did not believe his job was to read all the cable traffic and that he did not even attempt to do so.

## **2. Washington Field Office detailees**

Another FBI employee detailed to the Bin Laden Unit, an Intelligence Operations Specialist (IOS) who we call “Mary,” was assigned to CIA Headquarters from the FBI’s Washington Field Office in April 1998. Although she was assigned to work on issues of mutual interest to the FBI and the CIA, such as the East African embassy bombings,<sup>161</sup> she also was assigned to work on unilateral CTC matters. She said that as a desk officer, she read and responded to cable traffic that was pertinent to the matters she was assigned. She nominally reported to a supervisor in the FBI’s Washington Field Office, but her work was assigned by her CTC supervisors at the Bin Laden Unit.<sup>162</sup>

The Washington Field Office also detailed to the CTC a special agent, who we call “Dwight.” His performance evaluations were done by the Washington Field Office, but his assignments came from CTC managers. He focused on the financial aspects of terrorism and obtained information through the CTC to help identify and investigate persons who were responsible for

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<sup>161</sup> On August 7, 1998, nearly simultaneous vehicle bombs were detonated at the U.S. embassies in Nairobi, Kenya, and Dar es Salaam, Tanzania, killing over 200 people and injuring over 4,000.

<sup>162</sup> Her position was later transferred from the Washington Field Office to FBI Headquarters’ Usama Bin Laden Unit.

funding terrorism. He had access to CIA cables and reviewed them for potential leads or other information related to terrorist financing.

### **3. New York Field Office detailee**

An FBI New York Field Office agent from its Bin Laden squad, who we call "Malcolm," was also detailed to the CIA's Bin Laden Unit in early 1999 at the request of John O'Neill, the New York Field Office Special Agent in Charge for Counterterrorism at the time. Malcolm replaced another New York Field Office Bin Laden squad agent who had left the CIA's Bin Laden Unit in August 1998. Malcolm told the OIG that he was not given instructions as to his specific duties at the CIA. He said he understood his job there was to be the "eyes and ears" of the New York Field Office and "to monitor" New York Field Office cases. He said his role was to "facilitate inquiries of mutual interest" and to act as a liaison for FBI offices around the country by following up on tracing requests and reporting on their status. He stated that he also spent a significant amount of time coordinating with the CTC in preparation for and during the trials that arose out of the FBI's investigations into the East African Embassy bombings. He told the OIG that he did not review all cables; he reviewed only the cables that he thought were interesting, generally based solely on his review of the cable subject line. He said he reported to an SSA in the New York Field Office, not to anyone at the CIA.

### **III. Factual chronology regarding Hazmi and Mihdhar**

In this section of the report, we discuss in detail the five junctures before September 11, 2001, during which the FBI had an opportunity to obtain or develop information about Mihdhar and Hazmi but did not. We describe in chronological order the sequence of events regarding these five opportunities, including the information that the FBI obtained or could have obtained about Hazmi and Mihdhar.

Many of the witnesses told the OIG they did not have specific recollection of the events and conversations related to the Hazmi and Mihdhar matter. In addition, we found few notes and documents relating to these events and conversations. The following is our best reconstruction of the events based on the participants' recollections and the existing documentary evidence.

We show a timeline of the Hazmi and Mihdhar events described in this chapter on the next two pages of the report.

**A. Identification in January 2000 of Hazmi and Mihdhar as al Qaeda operatives**

This section describes the initial development and dissemination of intelligence information concerning Hazmi and Mihdhar. [REDACTED]  
[REDACTED] The intelligence led to a surveillance operation in Malaysia in which it was discovered that Mihdhar had a valid multiple-entry U.S. visa and photographs of Mihdhar meeting with other al Qaeda operatives were taken.

There were several ways the FBI could have acquired this information from the CIA – through a CIR from the CIA to the FBI, informally through conversations between a CIA employee and FBI Headquarters employees, and through the FBI employees detailed to the CIA reviewing the CIA cable traffic. We reviewed whether this information was in fact passed to the FBI by the CIA, and based on the evidence, concluded that while the CIA passed some of the information about Mihdhar to the FBI, it did not contemporaneously pass the information about Mihdhar's U.S. visa to the FBI. We concluded it was not disclosed by the CIA until late August 2001, shortly before the September 11 terrorist attacks. We also reviewed whether FBI detailees to the CIA contemporaneously acquired this information and what action, if any, they took with respect to this information.